

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-118085-001 DT

05/24/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT  
D. McGraw  
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT  
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE  
JENNIFER L WILLMOTT

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

10:37 a.m. This is the time set for Oral Argument/Evidentiary Hearing on Defendant's Motion to Suppress Statements and Defendant's Motion in Limine Re: Mr. Jakscht's Alleged Lack Of Remorse.

State's Attorney:	Thomas McDermott
Defendant's Attorney:	Robyn Greenberg Varcoe and Jennifer M. Willmott
Defendant:	Present
Court Reporter:	Pamela Remus

Discussion is held regarding the Defendant's Objection to Admission of News Videoclips.

IT IS ORDERED that the parties shall confer by May 31, 2011, regarding the videoclips to be utilized during the course of the trial. Counsel for the Defense shall notify the Court if issues remain with what the State intends to present.

Evidentiary Hearing on Defendant's Motion to Suppress Statements proceeds at this time.

The State's case:

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Brett Campbell is sworn and testifies.

Discussion is held regarding legal and procedural issues.

**IT IS ORDERED** continuing the Evidentiary Hearing on the Motion to Suppress to **May 25, 2011, at 10:30 a.m.** before Judge Welty.

Oral arguments are presented on the Defendant's Motion in Limine Re: Mr. Jakscht's Alleged Lack Of Remorse.

**IT IS ORDERED**, absent further order of the Court, granting the Defendant's Motion in Limine with respect to the specific issue of any proof or opinion on behalf of any witness that the Defendant lacked remorse for his conduct.

The Court has received the Defendant's Motion in Limine re: Improper Expert Testimony.

**IT IS ORDERED** that the State file a Response by close of business on May 24, 2011, and the Motion will be discussed on May 25, 2011.

Discussion is held regarding Defendant's Objection To Admission Of Greusome [sic] Photographs.

**LET THE RECORD REFLECT** that the Defendant stipulates to the victims' causes of death.

The parties advise the Court that there is no longer a dispute with respect to the photographs.

Discussion is held regarding the Defendant's Motion in Limine re: Preclude Unfair Prejudice Caused By Trial Observers.

**LET THE RECORD REFLECT** that the Court steps into the jury box and views some of the memorial patches currently worn by court observers who are present in the courtroom. The Court finds that the memorial patches are not adversely prejudicial to the Defendant; however, it is the Court preference that memorial patches not be displayed before the jury and that the State advise the victim advocate to discuss same with the court observers.

Consistent with the agreement of the parties and, who the Court believes are, the gathered victims,

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IT IS ORDERED that court observers not wear memorial shirts or memorial buttons that depict the victims on them. The State is to instruct court observers appearing on behalf of the victims with respect to the Court's order.

The State shall make a determination if any non-duty firefighters will be attending the trial and, if so, whether or not they will be wearing their uniforms if they are not testifying in this matter.

Discussion is held regarding the State's Motion in Limine re: Helmets.

There being no objection by the Defense,

IT IS ORDERED granting the State's Motion in Limine re: Helmets.

Counsel for the Defense advises the Court and the State that Chester Flaxmeyers will be a consulting witness.

11:52 a.m. The court stands at recess until **May 25, 2011, at 10:30 a.m.**

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encourage to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participating in eFiling through AZTurboCourt